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JOHN F WARD
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708 THIRD AVENUE
NEW YORK, NY 10017

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/04/2004

36

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.

09/036,721

Applicant(s)

DELP ET AL.

Examiner

Joy K Contee

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-27,30-33,36,37 and 42-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-25,42,43 and 45-47 is/are rejected.
- 7) ☒ Claim(s) 25-27,30-33,36,37,44,45 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 22-27,39-33,36-37 and 42-48 have been considered but are moot in view of the new grounds of rejection.

Examiner notes that Russ et al. (US 6061604) has been used here in combination with a newly found primary reference, Snyder (US 5588038).

Applicant argued that Russ et al. only teaches that a user may communicate with conventional hardwired systems (see page 14, lines 14-17). This is not true. Russ et al. discloses a user interface (9 including 100, in Fig. 2) wherein communication is facilitated between the multi-unit automation system controller and its unit controllers via and RF link, utilizing a spread spectrum communication technique in the 900 MHz (see col. 3, lines 15-62).

Claim Objections

2. Claims 25 and 45 are objected to because of the following informalities: in claim 25, the limitation claiming "said satellite device" is not found in any base or intervening claims. Additionally, in claim 45 the limitation "said data conversion and transmission unit" is not found in any base or intervening claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 22,23,42,43 and 46 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Snyder, U.S. Patent No. 5,588,038.

Regarding claims 22 and 42, Snyder discloses an integrated building control and information system, wherein said system comprises:

a master control network (and single master control network) including a first radio frequency (RF) device (i.e., reads on central transceiver **104**) for providing a wireless communication interface with at least one remotely-located satellite network (col. 4, line 61 to col. 5, line 13);

at least one said satellite network comprising a second RF device (reads on satellite **106**) for providing a wireless communication interface with said master control network and a plurality of nodes/modules (i.e., reads on calling/pager transceiver coupled to "miscellaneous devices" or various controllable devices) for detecting information (col. 6, lines 45-52 and col. 9, lines 14-28 and col. 11, lines 20-26 and see Fig. 4); and

a communication system (and a radio frequency communication system) including said first and second RF devices (col. 4, lines 61 to col. 5, line 13);

Art Unit: 2686

wherein said satellite network receives data from and transmits data to said master control network via said RF communication system and wherein said system allows for end user control (i.e., reads on action required by "owner") of said nodes/modules (col. 5, lines 25-65 and col. 6, lines 45-52 and col. 10, lines 55-67).

Regarding claims 23, 43 and 46, Snyder discloses a system according to claims 22 and 42, respectively, wherein said master control network further comprises:

a user interface (and data transmission unit) (i.e., reads on calling transceiver **102**) (col. 5, lines 26-30 and lines 45-56); and

an inherent central processing unit (i.e., reads on central switching facility **104** coupled to PSTN which is a pager company or other similar signal transmitter) (col. 5, lines 46-54);

wherein said central processing unit transmits information from said first RF device to said user interface (**102**), wherein said central processing unit is coupled to said first RF device (i.e., inherent CPU is within **104**) and wherein said first RF device receives said information from said second RF device (**106**) (col. 5, lines 25-55 and see Fig. 4).

Regarding claims 45 and 47, Snyder discloses a system according to claims 43 and 46, respectively, wherein inherently data conversion and transmission unit includes a data conversion circuitry for converting said data received from said CPU (and satellite node/module) (i.e., reads on either RF device or transceiver) for transmission to said satellite network via said RF communication system (and said master control network) (col. 11, lines 1-26).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder, in view of Russ et al. (Russ), previously used.

Regarding claim 24, Snyder discloses a system according to claim 22, but fails to explicitly disclose wherein said master control network further comprises:

a utility monitor; and at least one utility node; wherein said utility monitor controls said utility node, and wherein said utility node transmits information to said utility monitor.

In a similar field of endeavor, Russ discloses a system, wherein said master control network (reads on monitoring structure) further comprises:

a utility monitor (col. 2, lines 3-13); and
at least one utility node (i.e., appliance apparatus, subsystem); wherein said utility monitor controls said utility node, and wherein said utility node transmits information to said utility monitor (col. 2, lines 3-29).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Snyder to include a utility monitor for the purpose of allowing a method

Art Unit: 2686

and apparatus which would enable a multi-unit structure to communicate with locations remote from the structure (see Russ col. 1, lines 41-63).

Regarding claim 25, Snyder discloses a system according to claim 23, but fails to explicitly disclose wherein said satellite network further comprises: at least one utility node; wherein said utility node detects utility information and transmits said utility information to said satellite device.

In a similar field of endeavor, Russ discloses at least one utility node (col. 2, lines 3-29); wherein said utility node detects utility information and transmits said utility information to [said] satellite device (i.e., reads on inherent RF satellite device at utility company communicating via RF) (col. 6, line 44 to col. 7, lines 10 and 41-52).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Snyder to include a utility monitor for the purpose of allowing a method and apparatus which would enable a multi-unit structure to communicate with locations remote from the structure, such as utility company's (see Russ col. 1, lines 41-63).

Allowable Subject Matter

7. Claims 26,27,30-33,36,37,44 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2686

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Varga et al, U.S. Patent No. 6,181,981, discloses an apparatus and method for improved vending machine inventory maintenance.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on M (alternating), T & Th, 5:30 a.m. to 2:00 p.m.

Art Unit: 2686

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joy Contee

October 27, 2004


CHARLES APPIAH
PRIMARY EXAMINER